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6 *Attorney for Plaintiff.*

7 **UNITED STATES DISTRICT COURT**

8 **FOR THE SOUTHERN DISTRICT OF NEW YORK**

9

10 } Case No: 1:23-CV-05752-JMF

11 } 1:24-CV-06310-JMF

12 KISSINGER N. SIBANDA }
13 } PLAINTIFF'S STATUS UPDATE:

14 Plaintiff, }
15 }
16 v. }
17 DAVID ELLISON, et al }
18 }
19 Defendants. }
20 }
21 }
22 }
23 }

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2 Hon. Judge Jesse M. Furman:

3 Plaintiff would like to respectfully update the bench.

4
5 Plaintiff has not heard from defendants as submitted to the bench. ECF: 55. Plaintiff
6 respectfully requests the court's intervention, directing defendants, through their representatives
7 to communicate with plaintiff regarding their intentions in the above matter's alternative dispute
8 resolution efforts.

9 New York standards of civility under which Angelo Labate is licensed state specifically
10 that:

12 IV. Responding to communications.

13 A lawyer should **promptly return telephone calls and electronic communications and**
14 **answer correspondence reasonably requiring a response**, as appropriate. (For the
15 avoidance of doubt, the foregoing refers to communications in connection with matters in
which the lawyer is engaged, not to unsolicited communications.)[]¹.

16
17 Aforementioned attorney (Labate), has also entered his appearance for the docket,
18 *Sibanda v. Elison*, 24-2348 (General Docket # 26); terminating Ashlee Lin on that docket.
19 Discussions of a global settlement (trial and appeal court) is necessary between parties.

20 Plaintiff has not heard from defendants regarding, ECF: 55., after three weeks.

21 Plaintiff thanks the court for its attention to this request.

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26 ¹ <https://www.nycourts.gov/LegacyPDFS/RULES/jointappellate/Jan%202020%20-%20civility%20standards%20CLEAN.pdf>
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1 Respectfully submitted,
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3 Dated: 09/26/2024
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Washington, DC
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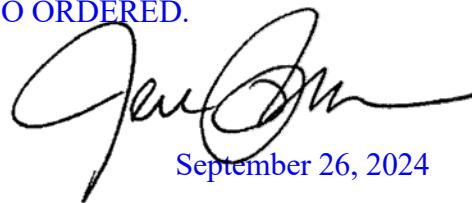
6 By: /s/Kissinger N. Sibanda
7

8 DR. KISSINGER N. SIBANDA ESQ
9 The Law Offices of Kissinger N. Sibanda
10 LL. B (Hons); LL.M (State / Trial); LL.M (Federal/ Trial)
11 Admitted: United States Supreme Court
12 Second Circuit
13 Mail to: PO Box. 714. Livingston. NJ 07039
14

15 *Pro Se Plaintiff*
16

17 The Court certainly encourages open lines of communication between the parties,
18 including about settlement. But to the extend that this letter and Plaintiff's prior
19 letter, *see* ECF No. 55, can be construed to request an order mandating that
20 Defendants respond to Plaintiff's settlement demand, the request is DENIED.
21 Additionally, whereas litigation in 23-CV-5752 is complete (with the exception of
the Court's pending ruling on Defendants' fees application), all future filings
regarding this dispute should be made in 23-CV-6310 *only*.

22 SO ORDERED.
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24 September 26, 2024
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